

To: Koch, Kristine[Koch.Kristine@epa.gov]; Cohen, Lori[Cohen.Lori@epa.gov]; Yamamoto, Deb[Yamamoto.Deb@epa.gov]; Humphrey, Chip[Humphrey.Chip@epa.gov]
From: Cora, Lori
Sent: Wed 3/27/2013 5:14:29 PM
Subject: RE: PH letter clarifying RI revision process

Attorney Client / Ex. 5

From: Koch, Kristine
Sent: Wednesday, March 27, 2013 10:11 AM
To: Cohen, Lori; Yamamoto, Deb; Humphrey, Chip; Cora, Lori
Subject: RE: PH letter clarifying RI revision process

Attorney Client / Ex. 5

Kristine Koch
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From: Cohen, Lori
Sent: Wednesday, March 27, 2013 9:49 AM
To: Yamamoto, Deb; Koch, Kristine; Humphrey, Chip; Cora, Lori
Subject: PH letter clarifying RI revision process

Deliberative Process / Ex. 5

From: Kirkpatrick, Margaret [<mailto:margaret.kirkpatrick@nwnatural.com>]

Sent: Wednesday, March 13, 2013 2:49 PM

To: Cohen, Lori

Cc: Imeson, Tom

Subject: FW: LWG Exec Approved LWG Senior Managers Response to EPA Senior Managers on RI Schedule

Hi Lori,

As I mentioned yesterday, the LWG Executive Committee met today to discuss the most recent process and schedule documents you sent to us. Here is the response that came out of that meeting.

I will be happy to discuss with you before our meeting on April 10 and will be generally around from now until March 28.

Thanks,

Margaret

From: Jennifer Woronets [<mailto:jworonets@anchoragea.com>]

Sent: Wednesday, March 13, 2013 1:22 PM

To: Kirkpatrick, Margaret; Tom Imeson (tom.imeson@portofportland.com)

Cc: Jennifer Woronets; Wyatt, Robert; 'James McKenna'; Kelly Madalinski (kelly.madalinski@portofportland.com)

Subject: LWG Exec Approved LWG Senior Managers Response to EPA Senior Managers on RI Schedule

Margaret, Tom,

Please see below and attached Exec approved proposed response for the LWG Senior Managers to send to the EPA Senior Managers regarding the RI schedule.

Please contact Bob with any questions.

DRAFT (email for LWG senior managers to send to EPA senior managers)

Lori,

The LWG is encouraged to have received a schedule from EPA that provides a clear path for finalizing the RI. We believe an important step is for the senior managers of both the LWG and EPA to endorse this schedule as a management objective.

The schedule you sent (attached) states that EPA review cycles and due-dates are "informational only". Although we understand that project schedules are subject to change, we also believe it is important to manage to deadlines. This is critical for us to manage our resources.

We understand that this schedule:

- Provides dates by which EPA will submit each revised section to LWG for review.
- Provides the LWG 30 days to review each section and raise/negotiate key issues with EPA. Issues unresolved at the end of the 30 day period may be raised with the EPA/LWG senior managers for resolution.
- Provides sequential 30-day cycles for each section (not concurrent or overlapping).
- Includes time for both EPA and LWG to review the complete RLSO document prior to EPA sending their letter directing incorporation of comments (i.e., this comprehensive review will occur between August 19th and November 4th).
- Describes a letter from EPA scheduled for November 4th that will trigger the formal 14-day period for LWG to notice any dispute.
- Sets February 6th, 2014 as the deadline for the LWG to submit the final "full production" version of the Final RI.

Also attached are suggested edits and comments to the RI process document you sent on March 7, 2013. Our suggested edits make the process consistent with the most recent EPA RI schedule. We believe it will be critically important for both the project managers and senior managers to be aware of and to keep track of several key aspects of the schedule:

- The LWG will not compress any review cycles (e.g., for any individual section or the comprehensive review period between August 19th and November 4th).
- The LWG will not perform concurrent or overlapping review cycles for RI sections.
- The LWG will schedule key staff and resources based on the various milestones established in this schedule (e.g., we assume EPA will submit their comments on Section 4 by March 18th and will have key staff available to review it. However, if EPA is late in submitting Section 4 comments we cannot guarantee our key staff will be available to timely review the document or meet with EPA).
- The schedule does not accommodate time for senior managers to resolve key issues (should they be raised by LWG for any particular section).
- The schedule does not accommodate time for formal dispute of any issues (i.e., after receipt of EPA's directive letter of November 4th).
- The schedule does not accommodate reopening of the RI data set; adding new information to the site summaries or source control status; performing new analyses (e.g., modeling); or creating new or significantly modified maps, figures, plates, tables.

Finally, we would like to reiterate our concern that, to the extent that EPA revisions to and comments on the RI change the inputs to the FS (either directly, such as through reinterpretation of data, or indirectly, such as by requiring adjustments to the risk assessments), we are at significant risk of failure to meet the overall schedule by targeting completion of the RI to follow completion of the FS.

Thank you,

Jen Woronets ☺

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Please consider the environment before printing this email.

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